

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Education (SE) Department - St.Johns High School, Amalapuram - Transfer on promotion in respect of Sister P.Thomasamma, Secondary Grade Teacher - Approval of promotion - Rejected - orders – Issued.

EDUCATION (SE-PS.II) DEPARTMENT

G.O.Rt. No. 555

Dated: 05-08-2008

Read the following:-

From the Secretary, NC for MEI, GOI, New Delhi, Lr.No.
F.No.1055 of 2006/19467, dt. 23.05.2007

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O R D E R:-

Sister P.Thomasamma through Sister U.Pinto, Nirmala House, Padmarao Nagar, Secunderabad filed a petition with C.No. 1055/06 in the National Commission for Minority Educational Institutions, Government of India, New Delhi. The Secretary, the National Commission for Minority Educational Institutions, Government of India has communicated the orders dt. 22-05-2007 of chairman, National Commission for Minority Educational Institutions, Government of India, New Delhi and requested the Government for implementation of the findings under section 11 (b) of the National Commission for Minority Educational Institutions, Government of India Act.

2. The Text of the order is as under:

"We have no hesitation in coming to the conclusion that since the petitioner's transfer from one educational Institution to another educational institution which were under the same ecclesiastical order, prior approval of the competent authority of the State Government was not required at all. The impugned action of the State Government in withholding the salary of the petitioner Sr.P.Thommasamma w.e.f. 2nd September 2002 is violative of Article 30 (1) of the Constitution as her promotion and transfer can not be faulted on any valid ground. Consequently, the State Government is directed to release the salary of the petitioner P.Thommasamma with effect from 2nd September 2002 by implementing the finding of this Commission in terms of Section 11 (b) of the NCMEI Act."

3. Government have examined the above order of the National Commission for Minority Educational Institutions, Government of India and find that there is ban on creation of new posts of Grant-in-Aid and filling up of the existing posts except what has been specifically authorized vide Govt. Memo. No. 12080/COSE/A2/2004-4, dt. 20-10-2004 and these orders are contested in the Hon'ble Supreme Court of India and the orders of Hon'ble Supreme Court of India are awaited in the matter and that there is no provision in rules for transfer of SGT teacher from one Aided Management School, promoting her as School Assistant to another aided Management School without prior approval of Government as contained in G.O.Ms. No. 1 Edn. Dt. 01-01-1994 and therefore it is not feasible to concede the request of the petitioner.

P.T.O.

4. Government accordingly, after carefully considering the orders of the National Commission for Minority Educational Institutions, Government of India, New Delhi dated: 22-05-2007 in C. No. 1055 of 2006 reject the request of Sister P.Thomasamma, Secondary Grade Teacher for transfer from Nirmala Primary School, Shanthinagar, Karimnagar District to St. John's High School, Amalapuram, East Godavari as School Assistant on promotion. The School Management shall immediately cancel such orders abinitio and restore status quo ante.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.B.S.VENKATA RAMANA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of School Education, Hyderabad.
The Regional Joint Director of School Education/Kakinada/Warangal.
The District Educational Officer, Karimnagar/East Godavari.
The President, Nirmala Primary School, Shanthinagar, Karimnagar.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER